



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



431093

REPLY TO THE ATTENTION OF:

WQW-16J

JAN 06 1993

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Robert K. Gray, Executive Director  
Oswegoland Park District  
313 East Washington Street  
Oswego, Illinois 60543

RE: Notice of Proposed Assessment of an Administrative Penalty  
Docket No. QWAA-O-008-'93

Dear Mr. Gray:

Enclosed is a copy of the Findings of Violation and Notice of Proposed Assessment of Administrative Penalties, herein referred to as the Findings and Notice. Attached to this document is a copy of the rules of the procedure applicable to this proceeding.

We have filed this Findings and Notice against the Oswegoland Park District (OPD) under the authority of Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). In the enclosed document, the U.S. Environmental Protection Agency (U.S. EPA) alleges that the OPD violated various provisions of the CWA and its implementing regulations. The violation U.S. EPA is alleging is specifically set out in Section I of the document.

By law, the OPD has a right to request a hearing regarding the violations alleged in the Complaint, as well as the proposed administrative civil penalty. Please pay particular attention to Section III, entitled "Notice of Opportunity to Request a Hearing." Note that should the OPD fail to request a hearing within twenty (20) days of your receipt of the Findings and Notice, the OPD will waive its right to such a hearing and the proposed civil penalty may be assessed against it without further proceedings. The OPD has the right to be represented by an attorney, or to be represented by any other designee at any stage of these proceedings.

Whether or not the OPD requests a hearing, we invite the OPD to confer informally with U.S. EPA concerning the alleged violations. You may represent the OPD or it may be represented by an attorney at any conference, whether in person or by telephone. The U.S. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the


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possibility of a settlement.

If such a mutually satisfactory settlement can be reached, it will be formalized by the issuance of a Consent Agreement signed by the OPD and by U.S. EPA, Region 5. The issuance of such a Consent Agreement shall constitute a waiver by the OPD of its right to a hearing on, and to a judicial appeal of the proposed civil penalty.

A request for an informal conference does not extend the twenty (20) days by which the OPD must request or waive a hearing on the proposed penalty assessment. If you have any questions, or wish to discuss the possibility of settlement of this matter, please contact Charles Orzechoskie, Chief, Wetlands Regulatory Unit (WQW-16J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. You may reach Mr. Orzechoskie by telephone at (312) 886-2776.

Sincerely yours,



*for* Dale S. Bryson  
Director, Water Division

Enclosure

cc: Regional Hearing Clerk (w/encl.)  
Edward V. Walsh, III, Attorney for the OPD, (w/encl.)  
Steve VanderHorn, Rock Island District, Corps of Engineers  
(w/encl.)  
Richard Nelson, U.S. Fish and Wildlife Service, Rock Island  
(w/encl.)  
Bruce Yurdin, Illinois Environmental Protection Agency  
(w/encl.)  
Kevin Hynes, Assistant Illinois Attorney General (w/encl.)